

UNCLASSIFIED  
Department of State

INCOMING  
TELEGRAM

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4770

2/8/81

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AQ036

INFO OCT-01 ADS-00 AID-07 INR-10 EUR-12 SS-15 AF-10  
CIAE-00 EA-12 DODE-00 W-01 NEA-07 NSCE-00 ARA-16  
NSAE-00 SSO-00 SY-05 HA-06 CSCE-04 TRSE-00 PM-07  
PA-02 OCT-02 INRE-00 ICAE-00 SYE-00 SP-02 PLE-00  
SPRS-02 /136 W

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O 181626Z FEB 81  
FM USMISSION GENEVA  
TO SECSTATE WASHDC IMMEDIATE 4451  
INFO AMEMBASSY BUENOS AIRES PRIORITY  
AMEMBASSY MADRID  
AMEMBASSY MANAGUA  
USMISSION USUN NEW YORK PRIORITY

UNCLAS SECTION 01 OF 02 GENEVA 01645

MADRID FOR USDEL CSCE

E.O. 12065: N/A  
TAGS: UNHRC, SHUM, AR, IR, MI  
SUBJECT: UN HUMAN RIGHTS COMMISSION: DEBATE ON DISAPPEAR-  
ANCES (AGEKDA ITEM 10B)

REF: (A) GENEVA 1542 (B) GENEVA 1531 (C) GENEVA 1526  
(D) GENEVA 1335 (E) GENEVA 1597 (ALL NOTAL)

1. SUMMARY: OPENING SESSION ON DISAPPEARANCES ITEM  
FEBRUARY 17 FEATURED PRESENTATION OF WORKING GROUP REPORT  
BY ACTING WG CHAIRMAN/RAPporteur LORD COLVILLE, FOLLOWED  
BY HOUR-AND-A-HALF SPEECH BY ARGENTINE AMBASSADOR MARTINEZ  
IN WHICH HE CRITICIZED WG REPORT, ATTACKED HUMAN RIGHTS  
DIVISION FOR ALLEGED BIAS, DEFENDED GOA'S HUMAN RIGHTS  
RECORD AND ITS NON-COOPERATION WITH WORKING GROUP, AND  
URGED THAT GROUP'S OPERATIONS BE PLACED UNDER 1503 RULES.  
HE ALSO MENTIONED BUT DID NOT PRESS PROPOSAL TO HOLD PART  
OF HRC DEBATE IN CLOSED SESSION. AT AFTERNOON SESSION,  
FRANCE INTRODUCED DRAFT RESOLUTION (REF D), WHICH WAS  
SUPPORTED BY NETHERLANDS, CANADA, AND SEVERAL NGO'S. END  
SUMMARY.

2. UN HUMAN RIGHTS DIVISION DIRECTOR VAN BOVEN INTRODUCED  
AGENDA ITEM BY REVIEWING HISTORY OF GENERAL ASSEMBLY,  
ECOSOC, HRC, AND SUB-COMMISSION RESOLUTIONS ON THE SUBJECT  
OF DISAPPEARED PERSONS.

3. LORD COLVILLE (UK), ACTING CHAIRMAN/RAPporteur OF THE  
HRC WORKING GROUP ON DISAPPEARANCES, THEN INTRODUCED THE  
WG'S REPORT. TEXT OF COLVILLE'S REMARKS POUNCHED DEPART-  
MENT (IO AND HA) AND USUN. HE OBSERVED AT THE OUTSET THAT  
"IN COMMON WITH EVERYTHING ELSE WE HAVE DONE, IT IS AN  
AGREED TEXT". FOLLOWING ARE HIGHLIGHTS OF HIS SPEECH:  
--WG'S PRIMARY CONCERN HAS BEEN THE HUMANITARIAN ASPECT OF  
DISAPPEARANCES. IT HAS THEREFORE CONCENTRATED ON INDIVI-  
DUAL CASES.  
--THE GROUP HAS LOOKED TO GOVERNMENTS TO INVESTIGATE  
REPORTED CASES AND PROVIDE INFORMATION AND MATERIAL; ONLY  
GOVERNMENTS HAVE THE NECESSARY RESOURCES AND INFORMATION  
TO MAKE AS COMPLETE AN EXPLANATION AS IS REQUIRED.  
--THE WG ITSELF CAN STUDY CASES IN DETAIL, REACT QUICKLY  
TO NEW CASES, ASSIST FAMILIES OF DISAPPEARED PERSONS,  
EXPAND ITS CONCERN TO ADDITIONAL COUNTRIES, AND PERHAPS  
HAVE A PREVENTIVE EFFECT ON NEW DISAPPEARANCES. IT DOES  
NOT PASS JUDGEMENT ON INDIVIDUAL COUNTRIES.

4. BEFORE CLOSING, COLVILLE MADE FOLLOWING COMMENT CON-  
CERNING ARGENTINA (WHICH HE DID NOT NAME): BEGIN QUOTE.  
WITH REGARD TO ONE COUNTRY, THE VOLUME OF REPORTS WAS SUCH  
THAT THE GROUP INITIALLY TRANSMITTED TO THE GOVERNMENT,

ASKING FOR ITS ASSISTANCE, ONLY A REPRESENTATIVE COLLECTION  
OF CASES (PARAGRAPH 66).

THE RESPONSE OF THE GOVERNMENT WAS THAT AS A MATTER OF  
PRINCIPLE IT WOULD NOT PROVIDE TO THE WORKING GROUP ANY  
INFORMATION ON INDIVIDUAL CASES, BUT PREFERRED TO OPERATE  
WITHIN THE 1503 PROCEDURE. CONSEQUENTLY, THE FULL RANGE OF  
CASES WAS NOT TRANSMITTED TO THAT GOVERNMENT. THE WORKING  
GROUP CONTINUED, HOWEVER, TO STUDY FURTHER CASES IN ORDER  
TO PREPARE THEM FOR EVENTUAL TRANSMISSION, AND SO THAT  
MEMBERS OF THIS COMMISSION COULD INSPECT THE MATERIAL IF  
THEY SO WISHED. I AM HAPPY TO INFORM THE COMMISSION THAT  
THE GOVERNMENT HAS NOW REQUESTED AND RECEIVED THE CASES  
WHICH THE GROUP HAS SO FAR ANALYSED. END QUOTE.

5. ARGENTINE AMBASSADOR MARTINEZ TOOK THE FLOOR FOR THE  
NEXT HOUR-AND-A-HALF. HE ACCUSED UN SECRETARIAT (HUMAN  
RIGHTS DIVISION) OF BIAS AND IMPROPER PROCEDURES IN  
SERVICING WORKING GROUP. HE ALSO RECOUNTED ARGENTINA'S  
STRUGGLE AGAINST TERRORISM IN THE EARLY 1970'S AND SAID  
HARSH MEASURES WERE NECESSARY TO COUNTERACT THE THREAT.  
AMBASSADOR MARTINEZ SAID MANY REPORTED DISAPPEARANCES WERE  
ACTUALLY CASES OF DEATH IN ARMED COMBAT WITH SECURITY  
FORCES, EXECUTION (AND SECRET BURIAL) BY FELLOW-TERRORISTS,  
DESERTION, TRAVEL ABROAD, OR SIMPLY A "DESCENT INTO CLAN-  
DESTINITY". HE ACKNOWLEDGED THAT SOME DISAPPEARANCES WERE  
CAUSED BY OFFICIAL EXCESSES. MARTINEZ SAID GOA HAS NOT  
PROVIDED INDIVIDUAL CASE INFORMATION TO WG BECAUSE  
ARGENTINA BELIEVES WG SHOULD OPERATE UNDER 1503 RULES CON-  
CERNING ADMISSIBILITY AND CONFIDENTIALITY, A THEME HE  
REPEATED SEVERAL TIMES DURING HIS ADDRESS. MARTINEZ  
EMPHATICALLY DENIED EXISTENCE OF ANY CLANDESTINE DETENTION  
CENTERS IN ARGENTINA. HE SAID GOA PRESENTLY HAS 100'S  
EXECUTIVE DETAINEES, ALL OF THEM IN RECOGNIZED DETENTION  
CENTERS AND ALL VISITED REGULARLY BY THE ICRC. HE CLOSED  
BY EXPRESSING THE HOPE THAT PART OF THE ENSUING DISCUSSION

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

(X) Release ( ) Excise ( ) Deny

Exemption(s):

Declassify: ( ) In Part ( ) In Full

( ) Classify as ( ) Extend as ( ) Downgrade to

Date Declassify on Reason

Lot 82D275  
Box 3541  
(2/17)

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CLOSURE BY THE MINISTRY OF JUSTICE TO CLARIFY ITS LEGAL  
STANDING. HELMAN

INFO OCT-01 ADS-00 AID-07 INR-10 EUR-12 SS-15 AF-10  
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MIGHT BE HELD IN PRIVATE TO ENABLE HIS DELEGATION TO PRE-  
SENT DETAILED INFORMATION ON THE 65 INDIVIDUAL CASES SUB-  
MITTED BY THE WG TO THE GOA.

6. WHEN HRC CHAIRMAN GALERO RODRIGUES ASKED AMBASSADOR  
MARTINEZ WHETHER HE WISHED TO MAKE A FORMAL MOTION TO CLOSE  
PART OF THE SESSION, THE LATTER MERELY REPLIED THAT HE HAD  
EARLIER MADE THAT SUGGESTION TO THE BUREAU. THE CHAIRMAN  
THEN NOTED THAT THE BUREAU HAD NOT TAKEN ANY DECISION ON  
THE MATTER AND THAT THE COMMISSION COULD REVERT TO THIS  
POINT AT A LATER DATE IF IT WISHED TO DO SO. HE THEN  
ADJOURNED THE MEETING. (NEITHER MARTINEZ NOR THE CHAIR  
RETURNED TO THE POINT.)

7. P.M. SESSION FEBRUARY 17 BEGAN WITH PRESENTATIONS BY  
INTERNATIONAL COMMISSION OF JURISTS AND AMNESTY INTER-  
NATIONAL PRAISING THE WG'S CREATION AND ITS WORK AND  
CALLING FOR EXTENSION OF ITS MANDATE. CYPRUS DELEGATION  
SAID WG HAS FULFILLED ITS MANDATE PROPERLY. SO FAR AND  
SHOULD BE RENEWED.

8. FRANCE INTRODUCED DRAFT RESOLUTION DREF D, NOW NUMBERED  
L.15521. NETHERLANDS AND CANADA DELIVERED STRONG STATE-  
MENTS IN SUPPORT OF RESOLUTION, AND ARGUED AGAINST  
ARGENTINE PROPOSAL TO IMPOSE 1503 CONFIDENTIALITY RULES  
ON WORKING GROUP.

9. CATHOLIC NGO PAX ROMANA PRAISED WG'S WORK, URGED  
GOVERNMENTS TO COOPERATE WITH WG, AND OPPOSED APPLICATION  
OF 1503 PROCEDURES IN DISAPPEARANCES CASES.

10. INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS  
REPRESENTATIVE URGED RENEWAL OF WORKING GROUP MANDATE AND  
PRESERVATION OF ITS OPEN PROCEDURES, AND SPECIFICALLY  
ENDORSED FRENCH DRAFT RESOLUTION.

11. B'AHAI INTERNATIONAL REPRESENTATIVE RECOUNTED DIS-  
APPEARANCES OF ABOUT A DOZEN BAHAIS IN IRAN IN 1979 AND  
1980 AND SAID BAHAIS HAVE RECENTLY SUBMITTED CASE HISTORIES  
TO WG. HE ACCUSED IRANIAN GOVERNMENT OF SYSTEMATIC CAM-  
PAIGN TO ERADICATE BAHAIS, AND DESCRIBED VARIOUS ALLEGED  
ABUSES OF BAHAIS UNDER SHAH AND PRESENT GOVERNMENT.

12. IRANIAN GOVERNMENT OBSERVER SAID IN REPLY THAT BAHAIS  
CAN EXERCISE THEIR RELIGION FREELY AND DENIED ALLEGATIONS  
THAT BAHAIS HAVE DISAPPEARED. HE SAID SOME BAHAIS HAD  
BEEN ARRESTED AND WILL BE TRIED UNDER NORMAL JUDICIAL  
PROCEDURES.

13. LAST SPEAKER WAS NICARAGUAN GOVERNMENT OBSERVER WHO  
SIMPLY ANNOUNCED THAT NICARAGUAN HUMAN RIGHTS COMMISSION  
REOPENED ITS OFFICES ON FEBRUARY 14 AFTER A FOUR-DAY

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